

Whatcom County Council (Special)

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Minutes - Final

VIRTUAL WORK SESSION (CHERRY POINT)

Tuesday, October 20, 2020

1 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 1 p.m. in a virtual meeting.

Roll Call

Present: 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

Absent: None

Discussion Item

1. [AB2020-345](#) Discussion of proposed Cherry Point amendments

Eddy Ury, RE Sources, gave a history of the Joint Stakeholder's proposed revisions to the Planning Commission's recommendations and introduced the following signatory stakeholder participants:

- Pam Brady, BP
- Geoff Chalfont, BP
- Jim Verburg, BP
- Tim Johnson, Phillips 66
- Brad Brown, Philips 66
- Carl Perkins, Phillips 66
- Gavin Carscallen, Petrogas
- Andrew Gamble, Petrogas
- Alex Ramel, Stand.earth
- Anna Doty, Washington Environmental Council (WEC)/Washington Conservation Voters (WCV)
- Trevor Smith, Laborers Local 292

Also attending the meeting:

- Carl Weimer, Pipeline Safety Trust
- Holli Johnson, Western States Petroleum Association
- Erin Strang, Phillips 66

Timestamp: 00:16:00

Ury updated the Councilmembers on behalf of all the stakeholders and walked through proposed amendments from August 13, 2020 Planning Commission Recommended Version (on file).

Timestamp: 00:39:53

He and the following people discussed with Councilmembers and answered questions:

- Alex Ramel
- Geoff Chalfont
- Tim Johnson
- Andrew Gamble
- Trevor Smith

Timestamp: 01:17:32

Ury presented and summarized the Cherry Point Amendments Joint-Stakeholder Revisions (attached) and the following people discussed with Councilmembers and answered questions:

- Gavin Carscallen
- Alex Ramel
- Tim Johnson
- Pam Brady
- Geoff Chalfont
- Matt Aamot, Planning and Development Services Department
- Mark Personius, Planning and Development Services Department Director

Timestamp: 03:15:00

Council Chair, Barry Buchanan, proceeded with facilitating the remainder of the work session.

The following person discussed the proposed amendments with Councilmembers and answered questions:

- Matt Aamot

Councilmembers discussed how they would like to vote on the document.

Councilmembers made several motions (below) and the following people discussed them with Councilmembers and answered questions:

- Eddy Ury
- Tim Johnson
- Pam Brady
- Mark Personius

- Karen Frakes, Prosecuting Attorney's Office
- Dana Brown-Davis, Clerk of the Council

Timestamp: 03:33:26

Donovan moved to consider the stakeholder proposed revisions in the Cherry Point Amendments Joint-Stakeholder Revisions document individually, as highlighted in blue. The motion was seconded by Browne.

Councilmembers and the speakers discussed the motion and stakeholders stated that they preferred that the revisions in the stakeholder document be considered collectively.

The motion carried by the following vote:

Aye: 4 - Browne, Buchanan, Donovan, and Frazey

Nay: 1 - Byrd

Abstain: 1 - Elenbaas

Out of the Meeting: 1 - Kershner

Timestamp: 03:44:52

Browne moved to approve the changes as highlighted in blue in Section 20.68.068. The motion was seconded by Donovan.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 4 - Buchanan, Donovan, Frazey, and Browne

Nay: 0

Abstain: 2 - Byrd and Elenbaas

Out of the Meeting: 1 - Kershner

Timestamp: 03:48:28

Donovan moved to approve the changes as highlighted in blue in Section 20.68.153 (including Subsections A, B, and C but not including numbered Subsections 1-10) with the correction of the word "it's" to "its." The motion was seconded by Browne.

Councilmembers discussed the motion.

Timestamp: 03:50:00

Browne moved to amend the motion to approve as above with the following change:

C. Cumulatively increases ~~it's~~ the maximum fossil fuel

~~transshipment~~ storage capacity of ~~unrefined fossil fuels from the~~ facility by more than ~~10,000~~ 50,000 barrels (or ~~420,000~~ the equivalent amount of gallons) per day.

The motion to amend failed for lack of a second.

Councilmembers continued to discuss Donovan's motion.

Donovan's motion carried by the following vote:

Aye: 4 - Donovan, Elenbaas, Frazey, and Buchanan

Nay: 1 - Browne

Out of the Meeting: 2 - Kershner and Byrd

Timestamp: 04:00:25

Donovan moved to approve the changes as highlighted in blue in Subsection three and proposed Subsection ten of Section 20.68.153, and the language as highlighted in blue in Section 20.68.205. The motion was seconded by Elenbaas.

Timestamp: 04:01:52

Browne suggested a friendly amendment to approve everything Donovan just said with the exception of language under "Change of Use." Donovan accepted, but then stated that his motion did not include the "Change of Use" section and the definitions so Browne **withdrew** his friendly amendment.

Councilmembers clarified Donovan's motion.

Donovan's motion carried by the following vote:

Aye: 5 - Donovan, Elenbaas, Frazey, Browne, and Buchanan

Nay: 0

Out of the Meeting: 2 - Kershner and Byrd

Timestamp: 04:04:51

Elenbaas moved to approve the changes as highlighted in purple under Section 20.68.150. The motion was seconded by Browne.

Councilmembers and Ury discussed the motion.

Timestamp: 04:09:00

Browne moved to amend the motion by adding language to the text highlighted in purple as follows:

Determination of “maximum transshipment capacity” under this WCC 20.68.153, shall be the maximum capacity resulting from an evaluation by a third-party licensed professional engineer, approved by the Planning and Development Director of the facility’s storage, transfer, or shipment capacities and which may include, or be solely based on, other transshipment limitations that can be demonstrated by the applicant.

The motion was seconded by Donovan.

Councilmembers discussed the motion to amend with County staff and Joint Stakeholder participants.

Elenbaas withdrew his motion to approve the changes as highlighted in purple under Section 20.68.150 and Browne withdrew his second, so the motion to amend was also withdrawn and was not voted on.

Councilmembers continued to discuss the item.

Timestamp: 04:23:11

Donovan moved to approve the definition of Fossil-Fuel Refinery as revised with the changes highlighted in blue in Section 20.97.160.4. The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Elenbaas, and Frazey

Nay: 0

Abstain: 1 - Byrd

Out of the Meeting: 1 - Kershner

Timestamp: 04:25:56

Donovan moved to approve the changes as highlighted in blue in Section 16.08.090 Subsection E, Section 20.97.052.1, and the line directly after that Section starting with “‘Change of use’ means when a building...,” but *not* the changes in Section 20.74.115. The motion was seconded by Browne.

The motion carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Elenbaas, and Frazey

Nay:

Abstain: 1 - Byrd

Out of the Meeting: 1 - Kershner

Timestamp: 04:28:55

Elenbaas moved to accept the changes as highlighted in blue in Section 20.74.115. The motion was seconded by Donovan.

Councilmembers and meeting participants discussed the motion.

The motion failed by the following vote:

Aye: 2 - Byrd and Elenbaas

Nay: 4 - Buchanan, Donovan, Frazey, and Browne

Out of the Meeting: 1 - Kershner

Timestamp: 04:37:27

Elenbaas moved to schedule another work session after an undefined time period after the stakeholders have met. The motion was seconded by Frazey.

Dana Brown-Davis, Clerk of the Council spoke about the availability of meeting time and the deadline for introducing a new interim Ordinance.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 5 - Donovan, Elenbaas, Frazey, Browne, and Buchanan

Nay: 0

Abstain: 1 - Byrd

Out of the Meeting: 1 - Kershner

Buchanan thanked Ury and the other participants for their work.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 5:44 p.m.

The County Council approved these minutes on November 10, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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